

Decision 18-08-024 August 23, 2018

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Southern California Edison
Company (U338E) for Approval of Energy
Efficiency Rolling Portfolio Business Plan.

Application 17-01-013

And Related Matters.

Application 17-01-014
Application 17-01-015
Application 17-01-016
Application 17-01-017

**DECISION GRANTING COMPENSATION TO SMALL BUSINESS UTILITY
ADVOCATES FOR SUBSTANTIAL CONTRIBUTION TO DECISION 18-01-004**

Intervenor: Small Business Utility Advocates	For contribution to Decision (D.) 18-01-004
Claimed: \$26,596.00	Awarded: \$26,675.75
Assigned Commissioner: Carla J. Peterman	Assigned ALJs: Julie A. Fitch, Valerie Kao

PART I: PROCEDURAL ISSUES:

A. Brief description of Decision:	Decision (D.) 18-01-004 addresses the required process for third party solicitations in the context of the rolling portfolio energy efficiency programs overseen by the investor-owned utility (IOU) program administrators (PAs).
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B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:

	Intervenor	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	March 16, 2017	Verified
2. Other specified date for NOI:	N/A	
3. Date NOI filed:	April 17, 2017	Verified
4. Was the NOI timely filed?		Yes
Showing of eligible customer status (§ 1802(b) or eligible local government entity status (§§ 1802(d), 1802.4)):		
5. Based on ALJ ruling issued in proceeding number:	A.16-09-001	Verified
6. Date of ALJ ruling:	October 27, 2017	Verified
7. Based on another CPUC determination (specify):		
8. Has the Intervenor demonstrated customer status or eligible government entity status?		Yes
Showing of “significant financial hardship” (§1802(h) or §1803.1(b))		
9. Based on ALJ ruling issued in proceeding number:	A.16-09-001	Verified
10. Date of ALJ ruling:	October 27, 2017	Verified
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		Yes

Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.18-01-004	Verified
14. Date of issuance of Final Order or Decision:	January 17, 2018	Verified
15. File date of compensation request:	March 19, 2018	Verified
16. Was the request for compensation timely?		Yes

PART II: SUBSTANTIAL CONTRIBUTION:

A. Did the Intervenor substantially contribute to the final decision (*see* § 1802(j), § 1803(a), 1803.1(a) and D.98-04-059):

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>1. Ensuring Equitable Energy Efficiency Investment, including for Small Businesses</p> <p>Since intervening in the energy efficiency proceeding, SBUA has been actively engaging with the Commission, Program Administrators (PA), and other stakeholders to make sure that there are more programs driving energy savings in the small commercial subsector.</p> <p>In SBUA's comments on the Solicitation Process Proposals and on the Proposed Decision, SBUA advocated for large contracts being reviewed by an Independent Evaluator.</p> <p>In comments on the Solicitation Process Proposals and on the Proposed Decision SBUA also advocated for large contracts going through the advice letter process in order to ensure the integrity of individual contracts as well as a fair distribution of</p>	<p><u>References to Final Solicitation Process Decision:</u></p> <p>D.18.01.004 ("Decision"), Sec. 4. Comments on Proposed Decision, pp. 52-53 ("SBUA's comments on the proposed decision focused on ensuring that the third-party solicitations ensure a broad distribution of programs across all markets and subsectors, including small businesses [....] We have modified the language associated with these topics to take the SBUA comments into account.").</p> <p>Decision, Sec. 3.3 Commission Review, p. 33 ("[W]e will require that any contract that has a value of \$5 million or greater and/or a term of more than three years, be submitted to the Commission for approval via a Tier 2 advice letter...").</p> <p>Decision, Sec. 3.3 Commission Review, p. 32 ("Unstated, but implied, in suggestions submitted by most parties, is the intent to</p>	Verified

<p>programs serving different market sectors, including small businesses.</p> <p>Additionally, SBUA asked that the Commission require PAs to include in their annual reports information about the size and type of customers served by the third-party contracts.</p> <p>Ultimately, the Commission adopted most of SBUA's recommendations, some with minor adjustments. Specifically, the Commission required that all contracts over \$5 million to go through the advice letter process. Per SBUA's suggestions, the Commission also modified the language of the proposed decision to make it clear that the IE and Advice Letter processes will be used not only to review individual contracts but also to ensure that the contracts result in a fair distribution of energy savings across all sectors and subsectors of customers. Finally, the Commission required that PAs submit annual third-party contracting reports that include the size and type of customers served.</p> <p>SBUA also supported BayREN and MCE's efforts to encourage greater cooperation between IOU and non-IOU PAs in order to promote a greater variety of programs for small business customers.</p>	<p>mitigate some type of risk by requiring Commission review and approval of contracts [...]</p> <p>potential risks we see are the following: [...] Poor RFP design. Another possible risk is that the ultimate RFP design by the utilities intentionally or inadvertently thwarts the intentions of successful program design, delivery, and realized savings, <i>for some or all sectors and subsectors of customers</i>. Again, contract or program failure could be a result.”).</p> <p>Decision, Sec. 3.3 Commission Review, p. 33 (“Commission staff should ensure the contracts filed by advice letter [...] do not thwart the intentions of successful program design, delivery, and realized savings, <i>for some or all sectors and subsectors of customers</i>.” (emphasis added)).</p> <p>Decision, Sec. 3.3 Commission Review, p. 34 (PAs must “include in their annual energy efficiency reports a list of third party contracts, with identifiable (but non-confidential) details about each contract, including length, dollar value (aggregated, if necessary), market segment, sub-segment, size, or type of customer addressed, and any other identifying features.”).</p> <p>Finding of Facts, Paragraph 13, p. 55 (“Commission consideration and approval of a standard contract for third parties with standard and modifiable terms and conditions will help mitigate risks of third party solicitation</p>	
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	<p>failure, ensure a level playing field for all participants, and reflect commercial viability.”).</p> <p>Finding of Facts, Paragraph 20, p. 56 (“Requiring regular annual reporting of utility third party contracts in place will provide additional transparency and oversight of the third party solicitation process.”).</p> <p>Conclusions of Law, Paragraph 8, p. 57 (“The Commission should review, via a Tier 2 advice letter, any contracts that are valued at \$5 million or more and/or that have contract terms of longer than three years.”).</p> <p>Conclusions of Law, Paragraph 9, p. 57 (Commission staff should review each advice letter to ensure compliance with the approved business plan, compliance with all Commission decisions, that the contract is not a result of a biased solicitation process, and that the solicitation process did not thwart the intentions of successful program design, delivery, and realized savings.).</p> <p>Conclusions of Law, Paragraph 29, p. 60 (“All program administrators, including but not limited to the utility PAs, should be encouraged to coordinate and share information on third party solicitations...”).</p> <p>Conclusions of Law, Paragraph 32, p. 60 (“The utilities should be required to include in their annual energy efficiency reports a listing of all third party contracts</p>	
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	<p>(including a confidential version, if necessary) that includes name of counterparty, length of contract, value of contract, market segment and sub-segment addressed including customer type and size, and any other relevant summary information.”)</p> <p>Ordering Paragraph 2, p. 61 (“[IOU PAs] shall file a Tier 2 advice letter for each third party contract, or a batch of third party contracts, that is valued at \$ 5 million or more and/or with a term of longer than three years, for Commission review.”).</p> <p>Ordering Paragraph 3, pp. 61-62. (“[IOU PAs] shall each convene at least one procurement review group for energy efficiency third party solicitations, made up of members of non-financially-interested parties, including Commission staff and the Office of Ratepayer Advocates, with membership approved by the Director of the Commission’s Energy Division.”).</p> <p>Ordering Paragraph 8, pp. 64-65 (“[IOU PAs] shall include in their energy efficiency annual reports, beginning with the 2018 reports, a listing of all third party contracts in place, along with at least the following information ... Market segment, sub-segment, sizes, and types of customers addressed.”).</p> <p><u>References to Claimant’s Presentations:</u></p> <p>SBUA Opening Comments on Solicitation Process Proposals</p>	
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	<p>(Aug. 18, 2017) (“SBUA Solicitation Process Comments”); <i>see, e.g.</i>, pp. 8-9 (comments on advice letter process, PRGs, and IEs).</p> <p>SBUA Reply Comments on Comprehensive Solicitation Process Proposals (Sept. 1, 2017) (“SBUA Solicitation Process Reply Comments”); <i>see, e.g.</i>, pp. 3-4 (comments on PRGs and IE), p. 4 (comments on the benefits to small business of enhanced coordination between IOUs, RENs, and CCAs).</p> <p>SBUA Opening Comments on Proposed Decision of ALJ Fitch (Dec. 4, 2017) (“SBUA Comments on PD”); <i>see, e.g.</i>, p. 5, Poor RFP Design (“The final solicitation process decision should be very clear in stating that the risk of poor RFP design includes the risk of inequitably distributed programs.”), p. 8 Include Customer Size in Annual Reporting Requirements (“[T]he final decision should explicitly require that reports state whether contracts are primarily expected to serve a particular sub-segment or customer size.”).</p> <p><i>See also</i> SBUA Motion for Party Status (Mar. 14, 2017), pp. 4, 6 (expressing concerns about small business involvement in the PA’s solicitation strategies and procurement efforts).</p>	
2. Tailoring the solicitation process to serve small businesses.	References to Final Solicitation Process Decision:	Verified

<p>SBUA's comments on the Solicitation Process Proposals and the Proposed Decision focused on designing the solicitation processes in way that is more likely to result in contracts that will deliver energy savings for small business customers.</p> <p>Specifically, SBUA advocated for forming new PRGs, composed of individuals with specific EE knowledge, representing diverse stakeholder interests, including small business interests.</p> <p>SBUA also asked that the PRG participation be compensated through the intervenor compensation program in order to enable groups with fewer resources to participate.</p> <p>The Commission incorporated SBUA's comments into the final decision by requiring that diverse interests be represented on the PRGs. While the commission stopped short of specifically requiring a small business representative, the Commission did give Energy Division oversight over the ultimate composition of the PRGs as recommended by SBUA.</p> <p>Although not directly relevant to the current compensation request, on March 12, 2018 SBUA applied to participate in PG&E's, SCE's, SDG&E's, and SoCalGas' PRG groups, respectively, and plans to continue as an active participant advocating for small business interests in the PA's</p>	<p>Decision, Sec. 4. Comments on Proposed Decision, pp. 52-53 ("SBUA's comments on the proposed decision focused on ensuring [...] that the PRGs represent diverse stakeholder interests. We have modified the language associated with these topics to take the SBUA comments into account.").</p> <p>Decision, Sec. 3.4 Procurement Review Groups, p. 35 ("We will require that each utility have at least one PRG, and at its discretion, may utilize more than one PRG, if the IOU prefers to tailor the PRGs for specific market segments or other purposes. The PRGs shall consist of non-financially-interested parties, representing diverse stakeholder interests, as well as Commission staff, including ORA.")</p> <p>Decision, Sec. 3.4 Procurement Review Groups, p. 35 ("[P]articipation in a PRG is eligible for compensation from the Commission's intervenor compensation program.").</p> <p>Decision, Sec. 3.4 Procurement Review Groups, p. 36 ("[P]articipation in the PRGs should be proposed informally by the IOUs to the Energy Division by letter to the director. IOUs shall make the director aware of any disputes about the composition of the PRGs; those will be resolved informally by the Energy Division director or brought to the Commission more formally, at the director's</p>	
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<p>solicitation processes.</p> <p>In addition, SBUA supported ORA, Verified, and Green Fan's proposals for a more independent workpaper process in order to encourage the development of new technologies that could be transformative for small commercial customers. Although the Commission recognized this as an important issue, it decided to consider the potential for an independent workpaper process in a future proceeding but required PAs to accept and review all third party workpapers in the meantime.</p>	<p>discretion.”).</p> <p>Decision, Sec. 3.10.4 Workpaper Issues, p. 49 (“We acknowledge there could be benefits to full consideration of [workpaper] issues, but intend to undertake such further consideration in the energy efficiency rulemaking (R.13-11-005 or its successor) in the future. In the meantime, the program administrators are required to accept and review all third party workpapers before submission to the Commission.”</p> <p>Finding of Facts, Paragraph 11, p. 54 (“Participation in PRGs is an eligible activity for intervenor compensation, subject to the limitations in that program.”).</p> <p>Conclusions of Law, Paragraph 11, p. 57 (“Each utility should have at least one PRG, with members who are not financially interested in solicitation results and represent diverse stakeholder interests, to provide feedback during the third party solicitation process. The PRGs should be involved at all stages of the solicitation process. PRG participation should be eligible for intervenor compensation.”).</p> <p>Conclusions of Law, Paragraph 13, p. 58 (“The Energy Division Director should approve of the composition of the PRGs for each utility.”).</p> <p><u>References to Claimant's Presentations:</u></p> <p>SBUA Comments on PD; <i>see</i>,</p>	
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	<p><i>e.g.</i>, p. 9 ("[T]he final solicitation process decision should make it clear that Energy Division is responsible not only for reviewing the individual qualifications of PRG members proposed by the PAs but also for ensuring that PRG members represent diverse market segments and interests.").</p> <p>SBUA Solicitation Process Opening Comments <i>see, e.g.</i>, pp. (comments supporting use of new PRGs and IEs with a diverse range of experience including individuals with small business expertise).</p> <p>SBUA Reply Comments on Comprehensive Solicitation Process Proposals; <i>see, e.g.</i>, pp. 3-4 (comments on PRC Composition, including "[PRGs] should be comprised of non-financially interested stakeholders and [...] should include consumer advocates. Commission should therefore direct that a new PRG be formed that the PRG include consumer advocates for various groups, with at least 1 member representing the interests of the small business community."), p. 6 (comments on the necessity of an independent workpaper process to encourage transformative technologies for the small business sector).</p>	
<p>3. Expanding contracting opportunities for small businesses.</p> <p>SBUA advocated for designing</p>	<p><u>References to Final Solicitation Process Decision:</u></p> <p>Decision, Sec. 3.3 Commission Review, p. 32 ("We see that there</p>	Verified

<p>the solicitation process to encourage participation by smaller contractors. SBUA's recommendations included simplified bidding processes and standard templates as well as training and support programs for small contractors.</p> <p>In addition, SBUA recommended that the Commission specifically identify the risk of bias against smaller contractors in its discussion of the risks. The Commission intends the process to mitigate against this. The Commission adopted SBUA's recommendation and included the risk of bias against smaller contractors in its discussion.</p> <p>SBUA advocated for larger contracts going through the Advice Letter Process in order to ensure Commission oversight and a fair distribution of programs, but advocated against smaller contracts going through the Advice Letter process because smaller contractors wishing to bid on EE contracts may not have the capacity to engage throughout a lengthier review process. The Commission ultimately adopted a \$5 million threshold for Advice Letter review.</p>	<p>are risks associated with the third-party solicitations, especially for an increasing portion of the portfolios. The two main potential risks we see are the following: Contracting bias. Because many utilities have existing third party relationships, likely including both positive and negative experiences from past interactions, there is a risk that utilities could exhibit some bias for or against certain contractors, <i>including smaller contractors</i>, in the RFA/RFP process. This could result in contract or program failure.” (emphasis added)).</p> <p>Ordering Paragraph 6, p. 63 (“Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company, and Southern California Gas Company shall, within 60 days of the issuance of this decision, shall select one company from among them to file a motion in this proceeding for approval of a standard contract for third parties, with standard terms and conditions that address...(f) Diverse and disadvantaged business and employee terms, including small businesses, if applicable...”).</p> <p><u>References to Claimant’s Presentations:</u></p> <p>SBUA Comments on Scoping Memo (June 29, 2017), p. 7 (“The Commission should consider the size and number of contracts put out to bid as well as the complexity of the solicitation</p>	
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	<p>process [....] Many significant innovations come from smaller, more agile businesses...therefore the Commission should ensure that solicitation processes are designed and streamlined to encourage small business participation.").</p> <p>SBUA Solicitation Process Opening Comments; <i>see, e.g.</i>, pp. 8-9 ("[W]e do not support imposing a full advice letter process on smaller contracts as this could hinder the participation of smaller contractors with less capacity to engage in the regulatory process.").</p> <p>SBUA Comments on PD; <i>see, e.g.</i>, p. 6 ("The addition of the reference to the size of the contracting organization would make it clear that reviewers should take care to mitigate against the risk of all types of contracting bias, including a bias against smaller firms.").</p>	
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B. Duplication of Effort (§ 1801.3(f) and § 1802.5):

	Intervenor's Assertion	CPUC Discussion
a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding? ¹	Yes	Yes
b. Were there other parties to the proceeding with positions similar to yours?	Yes	Yes
c. If so, provide name of other parties: ORA, TURN, NDC, BayREN, MCE, Verified, Greenfan		Verified
d. Intervenor's claim of non-duplication:		Noted

¹ The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

<p>Throughout its involvement in the proceeding, SBUA took all reasonable steps to coordinate its efforts with other parties and keep unnecessary duplication to a minimum. SBUA representatives engaged in multi-party discussions, including with ORA and other intervenors, and workshops covering the solicitation process in order to identify areas of overlap and minimize repetitive comments.</p> <p>Where SBUA agreed with other parties' positions, rather than going through lengthy independent analyses, SBUA made short statements of support. Examples include our coordination with and support of parties advocating for an independent work paper review process and our support of Commission review requirements proposed by other parties. <i>See e.g.</i> SBUA Solicitation Process Reply Comments p.4 (supporting MCE/BayREN comments on coordination) p.6 (supporting ORA and Verified workpaper proposals).</p> <p>Additionally, SBUA's advocacy differed from that of other ratepayer advocates in that it focused <i>exclusively</i> on the interests of small business community. For example, while ORA's, TURN's, and NRDC's advocacy primarily related to general solicitation design and overall cost effectiveness, SBUA was the only party to raise equity issues specifically relating to small commercial customers. Therefore, while other parties may have had positions that were similar to SBUA in some instances, our perspectives and goals were necessarily different, and were supplemented, not duplicated, by efforts on common issues.</p>	
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C. Additional Comments on Part II:

#	Intervenor's Comment	CPUC Discussion
Sections A & B	SBUA has reviewed its work thus far in the EE Business Plan Proceeding in order to identify the tasks necessary to advance SBUA's positions and with a direct bearing on the Solicitation Process Decision. Only those activities reasonably relating to the Solicitation Process have been included in this request. SBUA's other activities relating to the EE Business Plans will be covered in a separate request for intervenor	Noted

	compensation, which we will file after a final decision on the substance of the business plans is issued.	
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PART III: REASONABLENESS OF REQUESTED COMPENSATION:

A. General Claim of Reasonableness (§ 1801 and § 1806):

<p>a. Intervenor's claim of cost reasonableness:</p> <p>SBUA intervened in this proceeding to protect and advance the interests of small businesses. As noted above, SBUA actively participated throughout the process, by participating in discussions and workshops, submitting data requests, providing testimony and analysis, commenting on PAs' Solicitation Process Proposals, and commenting on the Proposed Decision. There will be qualitative benefits for small business ratepayers based on SBUA's participation, although precise quantitative dollar values are difficult to attribute. In many instances, PAs and the Commission incorporated SBUA's suggestions, all of which were aimed at improving energy efficiency outcomes for small business ratepayers. SBUA's positions were largely unique, and where they overlapped with other parties, SBUA kept its comments brief.</p> <p>In sum, the Commission should conclude that SBUA's overall request is reasonable and SBUA's participation was productive and outweighed the cost of participation.</p>	<p>CPUC Discussion</p> <hr/> <p>Noted</p>
<p>b. Reasonableness of hours claimed:</p> <p>Kathryn Kriozere served as the lead and coordinating attorney for SBUA in this proceeding. She conducted research and coordinated with SBUA leadership to develop recommendations which should result in expanded offerings and improved programs for small business customers. Ms. Kriozere prepared and drafted legal briefs, comments on the ALJ's scoping memo attachments, and comments on the Proposed Decision of ALJ Fitch. Ms. Kriozere's timesheets reflect this time commitment and the role played by SBUA in advocating for small business interests. She devoted approximately 46.7 hours to the solicitation process in this proceeding, or a total of slightly over 1 week worth of time. One other SBUA attorney, James Birkelund, worked on this proceeding. Mr. Birkelund was active in the solicitation portion of the proceeding and devoted 27.8 hours, equivalent to roughly 3.5 days of time. Mr. Birkelund analyzed the PAs' applications and developed and drafted arguments to increase the involvement of and benefits to small businesses in the final solicitation plans. As supervisor and senior attorney, Mr. Birkelund played a critical role in reviewing and editing</p>	<p>Noted</p>

<p>pleadings and data requests as well as provided strategic guidance and advice relating to process and development of SBUA's positions and arguments.</p> <p>Kathryn Kriozere and James Birkelund avoided unnecessary duplication and worked together efficiently. Both were involved in analyzing small business issues, bringing their own knowledge and expertise.</p> <p>SBUA submits that our recorded attorney hours in this proceeding are reasonable, both as described above and as demonstrated in the substantial contribution SBUA made to the decision on third party solicitations. Therefore, SBUA seeks compensation for all of the hours recorded by our attorneys and included in this request.</p>	
<p>c. Allocation of hours by issue:</p> <p>SBUA has assigned the following issue codes:</p> <ul style="list-style-type: none"> A. Ensuring Equitable Energy Efficiency Investment - 22.8 hours or 30.6% B. Tailoring Process to Serve Small Businesses – 29.9 hours or 40.1 % C. Expanding Contracting Opportunities for Small Businesses – 21.8 hours or 29.3 % <p>SBUA asserts that the categories above are well defined to allow SBUA to accurately assign hours to various tasks in its time entries. Should the Commission wish to see different information on this point or some other breakdown of SBUA's hourly work, SBUA requests that we be so informed and provided an opportunity supplement this request accordingly.</p> <p>SBUA submits that all of the hours claimed were reasonably and efficiently expended and should be fully compensated.</p>	Noted

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Kathryn Kriozer	2017	46.7	\$230	ALJ-345	\$10,741	46.70	\$230.00	\$10,741.00

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James Birkelund	2017	26.3	\$450	2015 rate from D.15-12-042, ALJ-329 (1.28% COLA), ALJ-345 (2.14% COLA), plus first 5% step increase in the 13+ year experience tier (rounded to nearest \$5)	\$11,835	26.30	\$450.00	\$11,835.00
James Birkelund	2018	1.5	\$450	As above.	\$675	1.50	\$460.00 [B]	\$690.00
Subtotal: \$23,251.00						Subtotal: \$23,266.00		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Kathryn Kriozere	2018	10.5	\$115	50% of 2018 rate	\$1,207.50	10.50	\$117.50 [A]	\$1,233.75
James Birkelund	2017	1.8	\$225	50% of 2017 rate	\$405	1.80	\$225.00	\$405.00
James Birkelund	2018	7.7	\$225	50% of 2018 rate	\$1,732.50	7.70	\$230.00 [B]	\$1,771.00
Subtotal: \$3,345.00						Subtotal: \$3,409.75		
TOTAL REQUEST: \$ 26,596.00						TOTAL AWARD: \$26,675.75		
<p>*We remind all intervenors that Commission staff may audit the records and books of the intervenors to the extent necessary to verify the basis for the award (§1804(d)). Intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenor’s records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time are typically compensated at ½ of preparer’s normal hourly rate</p>								
ATTORNEY INFORMATION								

Attorney	Date Admitted to CA BAR ²	Member Number	Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation
Kathryn F. Kriozere	October 2014	298513	No
James M. Birkelund	March 2000	206328	No

C. Attachments Documenting Specific Claim and Comments on Part III:

Attachment or Comment #	Description/Comment
Comment 1 Costs	SBUA is not claiming any office costs in this request or reimbursements for other expenses. SBUA has used electronic mail communication, phone, and conference calls to reduce filing and meeting costs and keep overall costs to a minimum, helping to add to the reasonableness of its claim.
Comment 2 Hourly Rates for Kathryn Kriozere	<p>SBUA seeks an hourly rate for the work of regulatory counsel Kathryn Kriozere of \$230 for her work in 2017. Mr. Kriozere’s requested compensation “take[s] into consideration the market rates paid to persons of comparable training and experience who offer similar services,” <i>see</i> PUC § 1806, is within the established 2017 range of rates for her level of experience, and is in accordance with the Commission’s guidelines in D.05-11.031. Mr. Kriozere received her J.D. in 2014 and in 2017 she was in her third-fourth year of legal experience. For 2017, the PUC compensated attorneys with 3-4 years of experience in the range of \$225-\$260 per hour. Resolution ALJ-345. Ms. Kriozere’s requested rate is near the bottom of this rate range.</p> <p>Mr. Kriozere’s CV is included as Attachment 3. She graduated cum laude from Hastings School of Law in 2014. Her experience as an attorney is broad and includes: current participation in the California Energy Efficiency Coordinating Committee (CAEEC), where she strives to ensure that energy efficiency programs are tailored to the needs of small commercial ratepayer; previous experience participating on the Board of Directors for SBUA in 2012; previous work as a Deputy City Attorney for the City of San Diego; and appearing and advocating before California public agencies and regulators.</p>
Comment 3	SBUA asks that the Commission adopt Mr. Birkelund’s 2017 rate at \$450 per hour. This is calculated based on the Commission approved

² This information may be obtained through the State Bar of California’s website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

Hourly Rates for James Birkelund	<p>Cost-of-Living Adjustment (COLA) of 1.28% adopted by Resolution ALJ-329 and 2.14% adopted by Resolution ALJ 345, as well as a step increase. The Commission issued Resolution ALJ-329 on May 20, 2016 and issued Resolution ALJ 345 on July 5, 2017. Along with the 5% step increase we are asking for Mr. Birkelund, this results in a 2017 rate in this case of \$450 per hour (2015 rate of \$415 *5.0 *2.14 *1.28, rounded to the nearest five, per D.13-05-009). Resolutions ALJ-329 and ALJ-345 both state: “It is reasonable to allow individuals an annual ‘step increase’ of 5%, twice within each experience level and capped at the maximum rate for that level, as authorized by D.07-01-009.” Mr. Birkelund who is in the 13+ years of experience bracket has not yet received a step increase in this experience level.</p> <p>SBUA made a similar request for Mr. Birkelund’s rate in its compensation request submitted and pending in A.15-09-001 (this was for a 2016 rate and excluded the 2017 COLA in ALJ 345).</p> <p>SBUA submits that this information is more than sufficient for the Commission to grant the requested 2017 hourly rate increase for Mr. Birkelund. However, should the Commission disagree and believe that it needs more information to support the request, SBUA asks that we be given an opportunity to provide additional information before a draft decision issues on this compensation request.</p> <p>The Commission has not yet adopted a COLA for 2018, and SBUA requests that any such COLA be applied to all time keepers.</p>
Attachment 1	Kathryn Kriozere Time Sheets
Attachment 2	James Birkelund Time Sheets
Attachment 3	Regulatory Attorney Kathryn Kriozere CV

D. CPUC Disallowances and Adjustments:

Item	Reason
[A]	Commission finds reasonable a 2.3% 2018 COLA increase for Kriozere to \$235.00 per hour.
[B]	Commission finds reasonable a 2.3% 2018 COLA increase for Birkelund to \$460.00 per hour.

PART IV: OPPOSITIONS AND COMMENTS:

(Within 30 days after service of this Claim, Commission Staff or any other party may file a response to the Claim (*see* § 1804(c)))

A. Opposition: Did any party oppose the Claim?	No
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B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(c)(6))?	Yes
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FINDINGS OF FACT

1. Small Business Utility Advocates has made a substantial contribution to D.18-01-004.
2. The requested hourly rates for Small Business Utility Advocates' representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$26,675.75.

CONCLUSION OF LAW

The Claim, with any adjustment set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.

ORDER

1. Intervenor is awarded \$26,675.75.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company ratepayers, San Diego Gas & Electric Company ratepayers, Southern California Edison Company ratepayers, and Southern California Gas Company ratepayers shall pay Small Business Utility Advocates their respective shares of the award, based on their California-jurisdictional electric and gas revenues for the 2017 calendar year, to reflect the year in which the proceeding was primarily litigated. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning June 3, 2018, the 75th day after the filing of Small Business Utility Advocates' request, and continuing until full payment is made.
3. The comment period for today's decision is waived.

This decision is effective today.

Dated August 23, 2018, at San Francisco, California.

MICHAEL PICKER

President

CARLA J. PETERMAN

LIANE M. RANDOLPH

MARTHA GUZMAN ACEVES

CLIFFORD RECHTSCHAFFEN

Commissioners

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:	D1808024	Modifies Decision?	
Contribution Decision(s):	D1801004		
Proceeding(s):	A1701013, A1701014, A1701015, A1701016, A1701017		
Author:	ALJ Fitch, ALJ Kao		
Payer(s):	Pacific Gas and Electric Company ratepayers, San Diego Gas & Electric Company ratepayers, Southern California Edison Company ratepayers, and Southern California Gas Company ratepayers.		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Small Business Utility Advocates	March 19, 2018	\$26,596.00	\$26,675.75	N/A	2.3% COLA increase for 2018.

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Kathryn	Kriozere	Attorney	SBUA	\$230.00	2017	\$230.00
Kathryn	Kriozere	Attorney	SBUA	\$230.00	2018	\$235.00
James	Birkelund	Attorney	SBUA	\$450.00	2017	\$450.00
James	Birkelund	Attorney	SBUA	\$450.00	2018	\$460.00

(END OF APPENDIX)